

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Mairoby Hernandez, <i>Individually, and On Behalf of All</i> :	:	
<i>Others Similarly Situated,</i> :	:	
	:	1:22-cv-05088-GHW
Plaintiffs, :	:	
	:	<u>ORDER</u>
-v-	:	
Date Lady, Inc.,	:	
	:	
Defendant. :	:	
	:	

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GREGORY H. WOODS, United States District Judge:

The application in the letter entered at Dkt. No. 15, for the Court to approve the parties' proposed consent decree at Dkt. No. 16, is denied. The Court declines to endorse the parties' proposed consent decree. The Court does not have a basis upon which to conclude that the terms of the parties' private agreement are appropriate. The Court is unwilling to convert a private agreement into a Court order without sufficient factual or legal support. The Court appreciates that other courts have entered such decrees when requested to do so in order to provide defendants with protection against other lawsuits involving similar allegations regarding their websites. To the extent that is the motivation for this request, defendant's desire for a degree of protection against future litigation does not by itself justify the entry of a consent decree. The proposed consent decree contains proposed findings by the Court that do not have support in record evidence presented to the Court. And the Court has no record upon which to evaluate the propriety of the terms of the proposed consent decree. The Court declines to enter the requested injunctive relief on this scant record. The Court takes no position regarding the terms of the parties' agreement. However, they may not refer to it as a consent decree, because it has not

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been endorsed by the Court.

SO ORDERED.

Dated: September 8, 2022  
New York, New York

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GREGORY H. WOODS  
United States District Judge